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14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 JONATHAN SOUVANNASANE,

18 Defendants.

19 CASE NO. 1:23-CR-00042-JLT-SKO  
20 1:15-CR-00167-JLT-KSO  
21  
22 STIPULATION TO CONTINUE SENTENCING  
23 AND EXTEND BRIEFING SCHEDULE  
24  
25 DATE: September 9, 2024  
26 COURT: Hon. Jennifer L. Thurston  
27  
28

### 16 STIPULATION

17 The government, by and through United States Attorney Phillip A. Talbert and Assistant United  
18 States Attorney and Kimberly A. Sanchez, and the defendant Jonathan Souvannasane, by and through  
19 his counsel of record, Yan Shrayberman, hereby stipulate as follows.

20 1. This matter is currently set for sentencing and disposition on September 9, 2024, in this  
21 Court, and the parties' supplemental briefing was due on August 26, 2024. Dkt. 20, 24.

22 2. Defense filed supplemental briefing on August 26, 2024. Dkt. 26.

23 3. In researching and drafting its supplemental briefing, the government found caselaw  
24 supporting only that the court has discretion to allow a plea withdrawal, but plea withdrawal is not  
25 required where the parties inaccurately estimate the sentencing guideline range so long as a thorough  
26 colloquy regarding sentencing is conducted by the court at the time of the plea. The government  
27 reviewed the transcript of the change of plea proceeding, and the court engages in a thorough Rule 11  
28 colloquy, including advisements that the court could sentence the defendant outside of the guidelines

1 and the defendant would not be permitted to withdraw his plea even where the court does not follow the  
2 parties recommendations, and the defendant indicated he understood.

3       4. The parties would like time to further discuss the case viewed now in the light of having  
4 the benefit of the transcript and additional research.

5       5. By this stipulation, the parties now move to reset the briefing schedule as follows.

6       6. The parties agree and stipulate, and request that the Court find the following:

7           a) The parties have further reviewed a significant bank of caselaw, the transcript of  
8 the guilty plea, and desire additional time to continue discussions regarding the  
9 possibility of defendant withdrawing his pending motion to withdraw his guilty plea and  
10 proceeding to sentencing instead of proceeding on the motion.

11           b) The parties request their briefing be due on or before September 23, 2024, and  
12 that the hearing on the motion or the sentencing be continued to October 7, 2024.

13       IT IS SO STIPULATED.

14       Dated: August 27, 2024

PHILLIP A. TALBERT  
United States Attorney

16           \_\_\_\_\_  
17           /s/ KIMBERLY SANCHEZ  
18           KIMBERLY SANCHEZ  
19           Assistant United States Attorney

20       Dated: August 27, 2024

21           \_\_\_\_\_  
22           /s/ YAN SHRAYBERMAN  
23           YAN SHRAYBERMAN  
24           Counsel for Defendant  
25           Jonathan Souvannasane

## FINDINGS AND ORDER

26       IT IS SO FOUND.

27       IT IS SO ORDERED.

28       Dated: August 28, 2024

  
\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE